

REMARKS

This paper is submitted in response to the Office action mailed February 28, 2005. A three (3) month extension of time is submitted to extend the response period through August 29, 2005. Reconsideration and favorable action are respectfully requested, for the following reasons.

The Examiner has again objected to claims 3, 11, 18, 28, 29, 30-33, 36, 37-73, 76 and 80 as being dependent upon a rejected base claim (see, paragraph 3). This objection is traversed. The Examiner made a similar objection in the first Office action, and that objection was addressed at that time in the response filed October 14, 2004. The identified claims have been rewritten into independent form already, and there is no need to do so again. Withdrawal of this objection is respectfully requested.

Claims 1, 3, 11, 18, 28-31, 36, 43, 49, 61-62, 64, 76, 80 and 83 were rejected under 35 U.S.C. § 101 as directed to allegedly non-statutory subject matter.¹ This rejection has been addressed by this response. In particular, each of independent claims 1, 3, 11, 18, 28-31, 36, 43, 49, 61-62 and 64 has been amended to include a limitation that “at least one of” the recited method steps “is performed by at least one processing device.” A computer-implemented process is statutory subject matter.²

Claims 76 and 80 were also rejected under 35 U.S.C. § 101 as directed to allegedly non-statutory subject matter. This rejection is respectfully traversed. These claims are already in a “computer program” format, and each such claim originally described a “program module” that includes “instructions.” This is a statutory computer software product, not an “abstract idea.” Nevertheless, for further emphasis, each such claim has been amended to describe that the “instructions” are “tangible” and are used to “perform a method.” Thus, claims 76 and 80 now describe a computer program product having tangible instructions for performing a method. That is statutory subject matter.

¹ The Examiner included a quotation of 35 U.S.C. § 112, second paragraph, but the rejection was not based on that section.

² The Examiner has examined and allowed to issue claims of this particular format; see, e.g., U.S. Patent No. 6,871,191, claim 1.

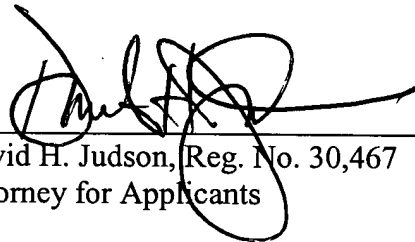
The Examiner remarked in paragraph 5 that prosecution might be expedited if “the limitations of claims 44 or 47 or 65 [were added] into the claims.” This remark is not understood, as there is no pending art rejection or other apparent need to include such narrowing limitations in any parent claim. Reconsideration of this remark is respectfully requested.

As the undersigned is new counsel, a thorough review of all pending claims has been undertaken. Based on this review, it was determined that many of the pending claims had somewhat minor wording deficiencies. These deficiencies have been addressed in this response. The Examiner will note that most of the changes deal with adding proper antecedent basis, although several typographical errors have also been corrected. In several claims, the wording has been modified slightly to improve their readability. No new matter has been added.

As there are no pending art rejections and the claims are now in full compliance with §§ 101 and 112, a Notice of Allowance is respectfully requested.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "David H. Judson", is written over a horizontal line. The signature is stylized with a large, looping initial "D".

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